

# **EXHIBIT “C”**

1 Wider

2 Do I have an electronic file? Do I have a telephone  
3 file? Be specific, Bob.

4 Q. Do you have any file?

5 A. Yes, I do.

6 Q. Tell me the files that you have.

7 A. Everything is electronic communications.

8 Q. During the lunch break I'm going to ask  
9 that you print out a hard copy of that file and make  
10 it available to me so I can question you about this  
11 further after the lunch break.

12 A. Okay.

13 Q. Are you claiming any damages that have  
14 resulted from Nomura Securities or Deutsche Bank  
15 being unwilling to purchase loans from HTFC?

16 A. \$50 million, Bob. Plus interest. Not  
17 including punitive. Insurmountable. I like that  
18 word.

19 Q. What is the time period during which  
20 Deutsche Bank has refused to purchase loans from  
21 HTFC?

22 A. About a year now.

23 Q. So starting?

24 A. I couldn't gave you exact dates.

25 Q. So sometime in 2006?

1 Wider

2 A. Yes.

3 Q. Ending when Deutsche Bank went into  
4 bankruptcy?

5 A. Well, they exited the market. They  
6 imploded.

7 Q. So during the time period sometime in  
8 2006 to when they exited the market which, again, is  
9 that sometime in 2006 as well?

10 A. Yes.

11 Q. You claim you have been -- HTFC has been  
12 damaged -- because during that time period in 2006  
13 you could not sell loans to --

14 A. Deutsche Bank and Nomura Securities,  
15 correct.

16 Q. Let's talk about Deutsche Bank first.  
17 With respect to Nomura Securities -- again, the same  
18 question -- during what time period do you say that  
19 HTFC was unable to sell loans to Nomura Securities?

20 A. Hold on a second I'll give you exact  
21 date.

22 MR. BODZIN: Go off the record.

23 THE VIDEOGRAPHER: The time is 11:27  
24 and we're going off the record.

25 (Short recess).

1 Wider

2 THE VIDEOGRAPHER: The time is 11:28 a.m.  
3 and we're back on the record.

4 A. January 14th.

5 Q. Of what year?

6 A. 2007.

7 Q. That is the date when Nomura stopped  
8 purchasing loans from you?

9 A. Correct.

10 Q. You left the room -- is there something  
11 that you looked at that told you that was the date?

12 A. I've got a huge file. All my  
13 communications with Nomura. Early payment default  
14 claims, communications, purchases. That was the  
15 last date, yes.

16 Q. So was January 14, 2007 the last date  
17 that you were able to sell them a loan?

18 A. Correct, I got cut off at that date.

19 Q. When did Nomura stop doing business?

20 A. They exited the country -- I don't know.  
21 March --

22 MR. ZICCARDI: If you know, don't guess.

23 Q. March 2007?

24 A. Maybe.

25 Q. So with respect to Nomura your claim is

1 Wider  
2 that between January 14th of 2007 and approximately  
3 March of 2007 you were unable to sell loans to them?

4 A. Correct.

5 Q. Now, during the time period from let's  
6 say the beginning of 2006 through March of 2007,  
7 what other institutions do you have correspondent  
8 agreements with?

9 A. Many, it's on as-need to know basis and  
10 you don't need to know.

11 Q. You need to tell me that.

12 A. No, I don't.

13 Q. You need to tell me.

14 A. Bob, your company --

15 Q. You need to tell me.

16 A. Your representation of your company  
17 willfully went out and tried to fuck up my life.  
18 You don't need to know anything about this company.

19 MR. ZICCARDI: Let's take a break.

20 MR. BODZIN: We can take a break but  
21 we're not going to do this over and over again.  
22 If Mr. Wider simply does not want to answer  
23 questions or answers questions in this manner  
24 we're not going to have a conference every time  
25 it happens.

1 Wider

2 Hopefully, you will be able to speak with  
3 him and persuade him that's not an appropriate  
4 response to my questions.

5 THE WITNESS: We're having a conference  
6 tomorrow, Bob. Why don't you get a Motion from  
7 the Judge because he's going to give you an ass  
8 licking.

9 MR. ZICCARDI: Let's go.

10 THE WITNESS: Don't ask questions that  
11 have nothing to do with this.

12 THE VIDEOGRAPHER: The time is 11:31 a.m.  
13 and we're off the record.

14 (Short recess).

15 THE VIDEOGRAPHER: The time is now 11:35  
16 a.m. and we're back on the record.

17 Q. Mr. Wider, what other banks did HTFC have  
18 correspondent agreements with in the time period of  
19 January 2006 through March of 2007?

20 DI MR. ZICCARDI: I'm going to object to  
21 that just on the basis, one, that I don't  
22 believe it's relevant. Two, I think it seeks  
23 the confidentiality proprietary business  
24 information of HTFC which HTFC is not going to  
25 disclose.

1 Wider

2 MR. BODZIN: So you're instructing your  
3 witness not to answer the question?

4 MR. ZICCARDI: He is not going to answer  
5 the question.

6 MR. BODZIN: If the claim of HTFC is that  
7 during the time period of January 2006 through  
8 March of 2007 it was unable to sell certain  
9 loans to Deutsche Bank and Nomura Securities,  
10 it is certainly highly relevant and  
11 discoverable as to whether or not HTFC had  
12 other options for selling loans.

13 If you are instructing the witness not  
14 the answer the question; then, we will simply  
15 ask the Court to preclude HTFC from seeking  
16 damages with respect to that claim.

17 So you may want to reconsider that.

18 MR. ZICCARDI: You can file whatever  
19 Motion you want to file. The reality,  
20 though, is that the confidential information  
21 of HTFC following the last deposition there  
22 were a number of items that had gotten out and  
23 for some reason are now in the press --

24 THE WITNESS: Identical to your  
25 questions.

1 Wider

2 MR. ZICCARDI: -- which are interfering  
3 with HTFC's business so if you want to get a  
4 Motion to compel.

5 MR. BODZIN: Are you trying to make some  
6 kind of accusation here? I would like to hear  
7 what you have to say.

8 MR. ZICCARDI: I'm just stating what  
9 happened.

10 MR. BODZIN: What happened that you are  
11 concerned with regard to the subject of this  
12 deposition?

13 MR. ZICCARDI: The information that was  
14 given at the last deposition has gotten into  
15 the hands of reporters and it certainly hasn't  
16 come from us.

17 MR. BODZIN: It hasn't come from  
18 me.

19 MR. ZICCARDI: I'm not saying it came  
20 from you --

21 THE WITNESS: Identical. Your questions  
22 were identical questions. So it had to come  
23 from you, Bob.

24 MR. VOULO: You can't make that  
25 accusation.



1 Wider

2 MR. BODZIN: You're a professional and  
3 you're making unfounded accusations.

4 THE WITNESS: We'll add this to your  
5 list.

6 MR. BODZIN: I'm going on to the next  
7 question.

8 Q. Sir, during the time period of January  
9 2006 through March 2007, can you identify any  
10 specific loans that you wanted to sell into the  
11 market place that you were unable to sell?

12 A. Hundreds. How I can identify hundreds?

13 Q. Identify those loans for me?

14 A. I don't carry them in my head, Bob.

15 Q. Where is the information that would  
16 describe those loans?

17 A. Can you spell your name backwards, Bob?  
18 That's what you're asking. Everything is done  
19 electronically. Everything's in files. Can you  
20 spell your name backwards, Bob? Tell me.

21 MR. BODZIN: If you want to instruct your  
22 client to act in a civilized manner; otherwise,  
23 we're going to adjourn this deposition.

24 MR. ZICCARDI: Take whatever action you  
25 want to take. I mean, he is trying to answer



1 Wider

2 A. Nope, it's inconsistent with the deed.  
3 It has two addresses on it. It's says return to 324  
4 and at the top says 312.

5 Q. Was 324 your address in April of 2005?

6 A. No, it's 312.

7 Q. If you will now look at pages 1 through 4  
8 of Exhibit 47. It's appears to be a Deed between  
9 the Sacaro Trust and John Hatilofsky, Junior dated  
10 April 29, 2005 for stated consideration of  
11 \$750,000.00. Do you see that?

12 A. Yes. What's your point?

13 Q. I haven't asked you a question yet so?

14 A. Okay.

15 MR. ZICCARDI: What was the amount of the  
16 transfer? The last one?

17 MR. BODZIN: \$750,000.00.

18 MR. ZICCARDI: Thanks.

19 Q. Going back to the Deed between yourself  
20 and the Sacaro Trust on April 29, 2005. What was  
21 the purpose of that transaction?

22 A. That's confidential. You know the laws  
23 of Trusts.

24 Q. It's not confidential?

25 A. Yes, it is.

1 Wider

2 Q. What was the purpose of that transaction?

3 A. None of your business. That's the law.

4 Q. What is the Sacaro Trust?

5 A. None of your business. Not even a Judge  
6 could get me to enforce that?

7 Q. I see. So you refuse to answer that  
8 question.

9 A. You'll have to speak to the Judge.

10 Q. Are you refusing to answer that question,  
11 sir?

12 A. Yes, I am.

13 Q. The other Deed dated April 29, 2005  
14 between the Sacaro Trust and John Hatilofsky,  
15 Junior., that's signed by John Petinton, Trustee of  
16 the Sacaro Trust?

17 A. So?

18 Q. Do you know how John Petinton became the  
19 Trustee of the Sacaro Trust?

20 A. He is a lawyer. He can do whatever the  
21 fuck he wants.

22 Q. I'm asking you a question.

23 A. You don't like it -- you don't like my  
24 answer -- that is my answer for the record.

25 Q. My question is --

1 Wider

2 A. I've answered it.

3 Q. Do you know how Mr. Petinton came to be  
4 the Trustee of the Sacaro Trust?

5 A. Isn't the law wonderful?

6 Q. Can you answer my question?

7 A. That's my answer.

8 Q. Sir, I'll ask you again. Do you know how  
9 Mr. Petinton became the Trustee of the Sacaro Trust?

10 A. I can't recall.

11 Q. Did Mr. Petinton represent, to your  
12 knowledge, the Sacaro's as either buyers or sellers  
13 of 1004 North Broadway?

14 A. Excuse me?

15 Q. To your knowledge, did Mr. Petinton as a  
16 lawyer represent the Sacaro's as either borrowers or  
17 sellers of the property at 1004 North Broadway?

18 A. I don't know -- couldn't recall -- ask  
19 John. You will see him tomorrow.

20 Q. Did you ever reside at 1004 Broadway?

21 A. Can't recall.

22 Q. You don't know where you lived?

23 A. No, I don't.

24 Q. You don't know where you lived?

25 A. According to you, I've got psychiatric

1 Wider

2 issue. So I can't recall. You remember that.

3 Q. Sir, this is November of 2007?

4 A. That's right.

5 Q. You don't recall where you lived between  
6 2005 and 2006?

7 A. Well, according to you I've got  
8 psychiatric issues since the last deposition. No,  
9 I.

10 Q. So you don't recall where you've lived.  
11 Do you recall ever owning 1004 North Broadway as an  
12 investment property?

13 A. I own thousands of properties.

14 Q. I'm asking you specifically about 1004?

15 A. And I just answered your question. I  
16 don't recall owning anything. I have thousands. I  
17 don't keep track of things like this.

18 Q. Do you know what the business purpose was  
19 of the Sacaro Trust conveying Title to John  
20 Hatilofsky, Junior., on April 29, 2005 for  
21 \$750,000.00?

22 A. None of your business. It's a business  
23 decision.

24 Q. You're refusing to answer that question?

25 A. It's a business decision. That is my

1 Wider

2 answer.

3 Q. Sir --

4 A. I've answered your question. It's a  
5 business decision.

6 Q. You're refusing to answer?

7 A. That is a business decision. I answered  
8 it.

9 Q. What is the business reason for that?

10 A. None of your fucking business. It's a  
11 business decision. It has nothing to do with this  
12 case.

13 Q. Take a look at Exhibit 48 now.

14 A. Don't need to.

15 Q. If you will go to the third -- starting  
16 with the fifth page of that document --

17 A. And?

18 Q. Through the eighth page of that document.  
19 You will see that on December 6, 2005 that --

20 A. What page?

21 Q. Starting with page 5.

22 A. Okay.

23 Q. You will see that on December 6, 2005  
24 that Title was conveyed --

25 A. Wait, I'm missing a page. This is my

1 Wider

2 page 6.

3 Q. Right. We'll go to the next page.

4 A. Okay.

5 Q. You see on December 6, 2005 Title was  
6 conveyed from John Hatilofsky, Junior to the  
7 Hatilofsky Trust?

8 A. Right.

9 Q. And, I assume, you're not going to tell  
10 me what you believe to be the purpose of that  
11 transaction?

12 A. This is all law. You're asking the wrong  
13 person. I don't practice law.

14 Q. Well, I won't ask you the same question  
15 over again because I know what your responses will  
16 be but I want to ask you this question: As of  
17 December 6, 2005, did you have a direct or indirect  
18 financial interest in 1004 North Broadway?

19 A. I can't recall.

20 Q. If the Deed is between John Hatilofsky,  
21 Junior., and the Hatilofsky Trust, you would know  
22 whether or not you had any type of business  
23 relationship with either John Hatilofsky, Junior or  
24 the Hatilofsky Trust? You would know that wouldn't  
25 you?



1 Wider

2 A. No, I wouldn't. I own thousands of  
3 properties.

4 Q. Sir, if you take a look at the last page  
5 of Exhibit 48 you see that there is a direction that  
6 the Deed be returned by mail to GCF Development?

7 A. And?

8 Q. Care of 400 Garden City Plaza, Suite 420,  
9 Garden City, New York?

10 A. Your question is.

11 Q. That's the office of HTFC?

12 A. Yes. Also, Groove Radio also.

13 Q. Do you know why there would have been a  
14 direction that the Deed between Mr. Hatilofsky and  
15 the Hatilofsky Trust should be returned to GCF  
16 Development?

17 A. Absolutely.

18 Q. What's the reason?

19 A. It's a business decision.

20 Q. So you won't tell me why?

21 A. None of your fucking business.

22 Q. You can't tell me the role of GCF  
23 Development has in this transaction?

24 A. No, absolutely not. Isn't the law  
25 wonderful, Bob.

1 Wider

2 Q. If you know, take a look at pages 1  
3 through 4 of Exhibit 48?

4 A. Pardon me?

5 MR. VOULO: Pages 1 through 4. These  
6 four. Front four.

7 THE WITNESS: Front four?

8 MR. VOULO: Yes.

9 Q. You will see on December 29, 2005 the  
10 Hatilofsky Trust conveyed 1004 North Broadway to  
11 William Fitzgerald and Robin Fitzgerald for  
12 \$805,000.00?

13 A. Okay.

14 Q. Do you know who -- and, again, you'll see  
15 on the fourth page that there is a direction that  
16 the Deed be returned by mail to GCF Development, do  
17 you know why?

18 A. Yes, we're testing Carlton Cheats  
19 program.

20 Q. I'm sorry?

21 A. I am testing Carlton Cheats program on  
22 TV.

23 Q. Who is Carlton Cheats program?

24 A. You don't watch Carlton Cheats on TV? Buy  
25 a house. Rehab a house. I suggest you watch TV. I

1 Wider

2 answered your question.

3 Q. Why is the direction this Deed be  
4 returned to GCF Development testing Carlton Cheats  
5 program?

6 A. Go watch the program and find out. I'm  
7 not here to educate you, Bob.

8 Q. You don't have an answer to that either?

9 A. I just answered you. You don't like the  
10 answer. You might not be able to manipulate me to  
11 get an answer but when I tell that's my answer you  
12 fucking accept it or don't.

13 Q. You purchased the property on April 29,  
14 2005 for \$475,000.00 and between April 29th of 2005  
15 and December 29, 2005 it was transferred four times  
16 resulting, eventually, in a sale for \$805,000.00 to  
17 William and Robin Fitzgerald.

18 My question is, sir, did you realize any  
19 of the benefit of the difference between \$475,000.00  
20 and \$805,000.00?

21 A. Sure.

22 Q. How much? All of it?

23 A. Did I realize the benefit? It went to  
24 the borrower.

25 Q. You bought it for \$475,00.00 on April 29,

1 Wider

2 I buy a property for cash I can anything I fucking  
3 what with my money. I can transfer the Deed 80,000  
4 fucking times whether you like it or not and I don't  
5 have to answer you why I would buy a property and,  
6 then, bring the value of the property up in a  
7 declining market where your company is fucking  
8 falling in it.

9 Q. Did you bring the value of this property  
10 up over \$330,000.00 between April 29, 2005 and  
11 December 29, 2005?

12 A. More than that because the property is a  
13 legal two-family. Your reviewer appraised it as a  
14 one-family and my appraiser did it as a one-family.  
15 So if you go out and try to find a comparable, you  
16 won't be able to find it, it's priceless.

17 Q. So I thought you weren't familiar with  
18 this property?

19 A. It took sometime. You know something, I  
20 can recall now.

21 Q. Now, you can recall?

22 A. Now, I can recall.

23 Q. Since now you can recall this property,  
24 tell me what you did between April 29, 2005 and  
25 December 29th of 2005 to enhance the value of this

1 Wider

2 property?

3 A. None of your fucking business. None of  
4 your fucking business. I'll say it again.

5 Q. Did you do any renovations to the  
6 property?

7 A. Go take a look at it.

8 Q. I'm asking you.

9 A. Go take a look at it. You're a lawyer.  
10 You go take a look at it.

11 Q. Did you do any renovations --

12 A. You go take a look at the property.

13 Q. Did GCF Development do any work on the  
14 property?

15 A. Go take a look at it. GCF Development  
16 isn't even in the suit so I'm not going to answer  
17 the question.

18 Q. So you're not going to tell me what, if  
19 anything, you did to enhance the value of the  
20 property during the time period?

21 A. No, I'm not.

22 Q. Did you sell this property through a  
23 realtor?

24 A. No. As a matter of fact, it was actually  
25 referred by a friend. Not a realtor.

1                                   Wider  
2   front of you for this property?

3           A.     Yes.

4           Q.     What kind of work did the Fitzgerald's  
5   do?

6           A.     I don't know.

7           Q.     Take a look. You underwrote the loan?

8           A.     What page?

9           Q.     It's your loan file. You should be able  
10   to find it.

11          A.     You want something. You get it yourself.

12          Q.     Sir, I suggest you take that back right  
13   now.

14          A.     Get it yourself.

15          Q.     I suggest you take it back yourself.

16          A.     I suggest you shut the fuck up and get it  
17   yourself. You want something. You want to look at  
18   it.

19          Q.     According to your loan file, what does  
20   Mr. and Mrs. Fitzgerald do?

21          A.     Find it.

22          Q.     This is your loan file --

23          A.     We're going to go round in circles, my  
24   friend.

25          Q.     -- this is your loan file, what do

1 Wider

2 Mr. and Mrs. Fitzgerald do for a living?

3 A. I don't know. Open it up and find it.

4 Q. Look at your loan file and tell me.

5 A. Open it up and do it. I'm not your  
6 fucking bitch.

7 Q. Take a look at your loan application?

8 A. Do it yourself. Do it yourself. You  
9 want to do this in front of a Judge. Would you  
10 prefer to this in front of a Judge? Then, shut the  
11 fuck up.

12 Q. Sir, take a look --

13 A. I'm taking a break. Fuck him. You open  
14 up the document. You want me to look at something,  
15 you get the document out. Earn your fucking money  
16 asshole. Isn't the law wonderful. Better get used  
17 to it. You'll retire when I'm done.

18 THE VIDEOGRAPHER: The time is 2:11 p.m.  
19 and we're going off the record.

20 (Short recess).

21 THE VIDEOGRAPHER: The time is 2:17 p.m.  
22 we're back on the record.

23 Q. What underwrote this loan for HTFC?

24 A. You have it in your hands. I don't know.

25 Q. I'm asking you to take a look at the file

1 Wider

2 and tell me who underwrote this loan?

3 A. It's right there in your hands. Show it  
4 to me.

5 Q. I'm asking you to look at the file.

6 A. I'm not looking at the file. You have  
7 the document that's in your hand right now. I'm not  
8 going fishing through a file. We'll be here all  
9 day, Bob.

10 Q. It's your file.

11 A. I'm not looking through the file. Open  
12 it up and show it to me.

13 Q. If you don't want to answer tell me and  
14 we'll move on to something else.

15 A. Okay, we'll move on to something else.

16 Q. What did Mr. and Mrs. Fitzgerald do for a  
17 living at the time this loan was --

18 A. You tell me, Bob; it's in your hands.

19 Q. I'm asking you. Tell me based upon  
20 what's in your file.

21 A. I don't know. Open it up and show me.

22 MR. ZICCARDI: Aaron, look at document  
23 291.

24 THE WITNESS: If Bob would give me the  
25 number I don't wanted to go fishing through it.



1 Wider

2 Q. You listed her income as being base  
3 income \$9,000.00 a month?

4 A. Stated income.

5 Q. \$9,000.00 a month?

6 A. Stated income, that's correct.

7 Q. What does that come out to a year? A  
8 \$108,000.00 a year?

9 A. Yup.

10 Q. Did that seem to be somewhat high to you  
11 for a legal secretary in 2006?

12 MR. ZICCARDI: Objection; calls for  
13 speculation. No foundation, but you can  
14 answer.

15 A. I refuse to answer.

16 Q. Why do you refuse to answer?

17 A. My attorney said no.

18 Q. Your attorney didn't tell you you can't  
19 answer.

20 A. My attorney just said no. Shut up and  
21 keep moving.

22 Q. Excuse me?

23 A. Shut up and keep moving.

24 MR. ZICCARDI: You can answer if you  
25 know.

1 Wider

2 THE WITNESS: I'm not answering.

3 MR. ZICCARDI: If you know, you can  
4 answer.

5 A. No, it's not high. It's actually very,  
6 very low. My secretary in here gets paid  
7 \$175,000.00 a year. Salary.com -- we use Salary.com  
8 for stated income. Limo drivers make tips.

9 Q. I'm not asking about limo drivers.

10 A. For Salary.com it's about average. She  
11 is a legal secretary?

12 Q. The average salary for a legal secretary  
13 in New York was \$108,000.00 a year?

14 MR. ZICCARDI: Same objection.

15 A. About \$90,000.00 to \$120,000 is about  
16 fair.

17 Q. For a limo driver \$7500.00 a month?

18 A. That's understated. Guys make \$5600.00  
19 night in tips and these driver's only work one or  
20 two days a week.

21 Q. This gentleman had been employed as a  
22 limo driver for how long?

23 A. One month. So that's actually 17  
24 years --

25 Q. 17 years he's been employed as a truck

1 Wider

2 for \$3.00, that's not inflation. That's not  
3 powerful inflation. Just because I go out and buy  
4 this paperclip for 50 cents and I sell it on the  
5 retail market for a dollar doesn't mean I  
6 artificially inflated. Everything is artificially  
7 inflated.

8 Q. Now, you've already refused to answer the  
9 questions about the purpose for the four transfers  
10 of Title between April 2005 and December 2005. I'm  
11 not going to ask you about that --

12 A. I'm not refusing. It's an inside trade  
13 secret and it's related to law and if you can't see  
14 it I'm not here to educate you. It's a million  
15 dollars. A million dollars. That's my response.

16 Q. Please allow me to finish my question.  
17 My question is there are two different Trusts  
18 involved in these four transfers.

19 One is the John Hatilofsky Trust and the  
20 other is the Sacaro Trust and in both Trusts  
21 Mr. John Petinton is the Trustee of both Trusts.  
22 Based upon that information, can you tell me that  
23 you were not involved in directing this  
24 transactions?

25 A. I cannot recall. I'm involved with

1                   Wider  
2       thousands of transactions.

3           Q.       Is it just a coincidence Mr. Petinton was  
4       involved as the Trustee in connection with both of  
5       those Trusts?

6           A.       It's not a coincidence that I'm a genius  
7       at what I do. I obey the law and live the law. You  
8       practice the law. Sir, I'm not going to be  
9       interrupted while I am speaking. I live the law.  
10      You serve the law. You practice the law. I abide  
11      by the law and enforce the law to the fullest extent  
12      the law allows.

13                   The only difference between you and I is  
14      I have a pair of balls and you don't. The only  
15      difference between the average person is I have a  
16      pair of balls and they don't. You think it's funny.  
17      I'm not the one chasing \$15 million dollars ass  
18      wipe.

19           Q.       Sir, as a self-proclaimed genius that you  
20      are, is it correct that you directed               Mr.  
21      Petinton to form these Trusts and, then, directed  
22      the transfer of Title that has been described in the  
23      Deeds that you just described?

24           A.       Do you have a habit to try and lead  
25      someone who is not a witness before we even walk

1 Wider

2 into a courtroom?

3 Q. Sir, answer my question.

4 A. I just did.

5 MR. BODZIN: Can you read back my  
6 question.

7 I'll ask it again.

8 Q. Did you direct Mr. Petinton to create the  
9 John Hatilofsky Trust and the Sacaro Trust and to  
10 document the transactions that are described in the  
11 Title reports marked as Exhibit 47 and Exhibit 48?

12 A. Are you manufacturing a question or are  
13 you asking a question? What is it?

14 Q. Do you want to answer the question?

15 A. I just did. You will have to be more  
16 specific, Bob. I can't hear you.

17 Q. Did you direct Mr. Petinton to create the  
18 Trust and draft the Deeds reflected in Exhibit 47  
19 and 48?

20 A. I can't recall.

21 Q. If Mr. Petinton were to testify that was  
22 true, would you have any basis for denying it?

23 A. Mr. Petinton won't testify because he is  
24 the Trustee and he cannot. He cannot ever divulge  
25 who the beneficiary is.

1 Wider

2 Q. So you want to hide behind some claimed  
3 confidentiality you think there is because  
4 Mr. Petinton is the Trustee and you're the  
5 beneficiary?

6 A. You'll find out.

7 Q. Is that what you're trying to do?

8 A. No.

9 Q. Who are the beneficiaries of these  
10 Trusts?

11 MR. VOULO: Objection; no foundation.

12 A. My lawyer.

13 Q. Who are the beneficiaries?

14 A. I refuse to answer you.

15 Q. Why?

16 A. My attorney said no.

17 Q. Who are the beneficiaries?

18 A. None of your fucking business.

19 Q. Are you the beneficiary of all of these  
20 Trusts?

21 A. I can't recall.

22 Q. Well, sir, you would know that, wouldn't  
23 you?

24 A. Doesn't make a difference.

25 Q. Sir, how did you get the money that

1 Wider  
2 accounted for the appreciation in 1004 North  
3 Broadway because of your great genius?

4 A. That's right.

5 Q. How did you get the money?

6 A. Very simple. I own a radio station. 40  
7 million listeners.

8 Q. How did you get the money between the  
9 price you paid of \$475,000.00 and the price that it  
10 was sold to the Fitzgerald's of \$805,000.00? Didn't  
11 you get the money out through those Trusts?

12 A. No. Isn't the law wonderful, Bob?

13 (Exhibit 49, Document Law Office of Eric  
14 S. Finger, marked for identification, as of  
15 this date.)

16 Q. You know Mr. Finger?

17 A. No.

18 Q. You don't know him?

19 A. Mr. Finger or Eric Finger?

20 Q. Are you trying to be cute?

21 A. Yes, I am cute. Be specific, Bob. From  
22 now on be specific and detailed.

23 Q. Do you know a lawyer by the name of Eric  
24 S. Finger?

25 A. Much better. Yes, I do.

1 Wider

2 Q. Did Eric S. Finger act as the closing  
3 agent on the New York loans that are the subject of  
4 this lawsuit?

5 A. Possibly.

6 Q. Well, I will represent to you he did and  
7 that I served Mr. Finger with a Subpoena for all of  
8 the records of the closings on those loans,  
9 including the records of payment and disbursements?

10 A. And you're shooting blanks.

11 Q. Are you very pleased with yourself, sir?

12 A. Yes, I am.

13 Q. Because your trying to perpetrate a fraud  
14 and hide it?

15 A. Go fuck yourself, Bob. Now, you're going  
16 to have to wait.

17 Q. Sir, if you keep walking out?

18 A. Shut the fuck up.

19 Q. Here we ago again?

20 A. I have a business to run.

21 Q. You don't have a business to run. You  
22 have a deposition.

23 A. Shut the fuck up. Don't tell me what to  
24 do. You sit there. You're on the payroll. You can  
25 sit there and juice your client, you're not juicing



1 Wider

2 me.

3 Q. This happens one more time, we're done.

4 A. Go ahead. Go to a fucking Judge. Shut  
5 the fuck up.

6 Q. I will go to the judge. Let's stay on  
7 the record. You know, this is not fair to anybody.  
8 This is not fair to anybody. You are rude.

9 A. Shut up.

10 Q. You are disrespectful?

11 A. Shut the fuck up.

12 Q. There is a woman in this room. You're  
13 totally inappropriate. It's unfair to the Court  
14 Reporter.

15 A. Are you retained counsel? Then, shut the  
16 fuck up.

17 Q. Now, I'm a human being --

18 A. Then, shut the fuck up.

19 Q. And you have a hard time comprehending.  
20 We're going to adjourn this deposition if this  
21 happens again because you are offending every single  
22 person.

23 A. Don't speak for anybody in here except  
24 yourself fuck face.

25 Q. I'm speaking for myself and I'm speaking

1 Wider

2 for the Court Reporter.

3 A. If she had a problem with me she would  
4 say something. She knows it's directed towards her.  
5 It's directed to you because you're a piece of shit  
6 and a piece of garbage and I'm the only person in  
7 your life that is fucking up your world and I enjoy  
8 it. I enjoy it and when you sit there and say I'm  
9 perpetrating a fraud I'm just better at the law than  
10 you are and you can't get in the fucking door and  
11 it's pissing you off. Keep trying.

12 Q. Are you done?

13 A. No, I'm not. I'm going to keep going.  
14 I'll have you flying in and out of New York City  
15 every single month and this will go on for years.  
16 And, by the way, along the way GMAC will be bankrupt  
17 along the way and I will laugh at you.

18 Q. Are you done?

19 A. No I'm not.

20 Q. What else do you have to say?

21 MR. VOULO: Let's answer the questions.

22 THE WITNESS: Okay.

23 Q. You have in front of you what has been  
24 marked as Exhibit 49 which is a letter Mr. Finger  
25 sent to me on November 2nd 2007 in response to the

1                   Wider  
2       to any buyers and borrowers involved in your loan  
3       transaction?

4           A.       Excuse me?

5           Q.       Have you referred Mr. Petinton as a  
6       lawyer for the borrowers in any of your loan  
7       transactions?

8           A.       Mr. Petinton doesn't practice law.

9           Q.       My question is --

10          A.       I just told you he does not practice law.

11          Q.       So your answer is no?

12          A.       Correct.

13          Q.       Now, on any of the properties that are  
14       the subject of this lawsuit where you personally  
15       were either the borrower or at one point in time  
16       owned the property involved, did Mr. Petinton  
17       represent you as a lawyer in any of those  
18       transactions?

19          A.       Can't recall. Might have personally as  
20       Aaron Wider. Not as the bank -- possibly.

21          Q.       If he did, did you compensate for that  
22       representation?

23          A.       No.

24          Q.       Have you spoken to Mr. Petinton about the  
25       Subpoena he received for documents?

1 Wider

2 A. He mentioned to me. He laughed at you.

3 Q. What did he say?

4 A. He thought you were a joke.

5 Q. What else did he say?

6 A. That you're a joke.

7 Q. Did he say he had documents responsive to  
8 the Subpoena?

9 A. He had no documents. He doesn't discuss  
10 things with me. He just said you're a joke.

11 Q. That's what he said?

12 A. Yes.

13 Q. So he shares your opinion on these things  
14 as well?

15 A. Yes, you're a joke.

16 Q. Did he ask you whether you had any of the  
17 documents that were sought in the Subpoena?

18 A. Why would he do that?

19 Q. I'm just asking if he asked you that.

20 A. Why would he do that?

21 Q. I'm asking you whether he asked you that  
22 question?

23 A. Why would he do that?

24 Q. I'm asking you if he did that.

25 A. Why would he do that?

1 Wider

2 Q. Sir --

3 MR. ZICCARDI: Just yes or no.

4 Q. Yes or no, did he ask you if you had any  
5 documents?

6 A. Shut the fuck up. Don't raise your voice  
7 to me.

8 MR. BODZIN: We're adjourning this  
9 deposition.

10 THE WITNESS: Good.

11 MR. BODZIN: We're adjourning this  
12 deposition. We're going back to the Judge.  
13 We're going to let the Judge decide if this was  
14 appropriate way for anybody to behave at a  
15 deposition. I'm not going to continue.

16 THE WITNESS: You don't point your  
17 fucking fingers at me. You don't raise your  
18 fucking voice at me. And I'm going to spit  
19 right back at you.

20 MR. BODZIN: I'm not going to continue to  
21 subject to this harassment, this rudeness  
22 absolutely inappropriate conduct and I'm going  
23 to adjourn this deposition right now.

24 THE WITNESS: Good.

25 MR. BODZIN: See you tomorrow.